

Jessica A. Skelton, OSB #102714
jessica.skelton@pacificallawgroup.com
PACIFICA LAW GROUP LLP
1191 2nd Avenue, Suite 2000
Seattle, WA 98101-3404
206-245-1700

*Attorney for Intervenor-Defendant
Oregon Alliance for Gun Safety*

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PENDLETON DIVISION

OREGON FIREARMS FEDERATION,
INC., et al.,

Plaintiffs,

v.

TINA KOTEK, et al.,

Defendants,

and

OREGON ALLIANCE FOR GUN
SAFETY,

Intervenor-Defendant.

Case No. 2:22-cv-01815-IM (*Lead Case*)
Case No. 3:22-cv-01859-IM (*Trailing Case*)
Case No. 3:22-cv-01862-IM (*Trailing Case*)
Case No. 3:22-cv-01869-IM (*Trailing Case*)

CONSOLIDATED CASES

MEMORANDUM IN SUPPORT OF
INTERVENOR-DEFENDANT OREGON
ALLIANCE FOR GUN SAFETY'S BILL OF
COSTS

MARK FITZ, et al.,

Plaintiffs,

v.

ELLEN F. ROSENBLUM, et al.,

Defendants.

KATERINA B. EYRE, et al.,

Plaintiffs,

v.

ELLEN F. ROSENBLUM, et al.,

Defendants,

and

OREGON ALLIANCE FOR GUN
SAFETY,

Intervenor-Defendant.

DANIEL AZZOPARDI, et al.,

Plaintiffs,

v.

ELLEN F. ROSENBLUM, et al.,

Defendants.

CERTIFICATION

Pursuant to LCR 7.1(a)(1), counsel for Intervenor-Defendant Oregon Alliance for Gun Safety (the Alliance) conferred by videoconference with State Defendants' counsel and Plaintiffs' counsel on August 11, 2023. All Parties agree that 28 U.S.C. § 1920 permits the Alliance and State Defendants to recover all costs set forth in their respective bills of cost from Plaintiffs. All Parties further agree that, given the pendency of Plaintiffs' appeals of the Court's judgment, the Court should stay enforcement of its order granting the Alliance's and State Defendants' motions for costs until all appeals are final.

MEMORANDUM

For the reasons set forth in State Defendants' Memorandum in Support of their Bill of Costs, ECF 265, and because the Alliance substantially contributed to the resolution of the issues in this case, the Alliance respectfully requests that the Court award it costs in the amount of \$8,864.91. *See, e.g., BARK v. Northrop*, No. 3:13-CV-00828-AA, 2019 WL 1331731, at *3 (D. Or. Mar. 22, 2019) (granting costs under Rule 54(d) to both government defendants and intervenor-defendants); *Nicolaus v. W. Side Transp., Inc.*, 185 F.R.D. 608, 611 (D. Nev. 1999) (“[A]n intervenor is entitled to the same cost considerations as the original parties.”) (quoting 10 Charles A. Wright, et al., *Federal Practice and Procedure* § 2667, at 224 (3d ed. 1998)); *MDT Corp. v. New York Stock Exch., Inc.*, 858 F. Supp. 1028, 1035 (C.D. Cal. 1994) (“An intervenor is considered a prevailing party for the purposes of an award of costs so long as the intervenor's position actually prevails and the intervenor substantially contributed to the resolution of the issues presented by the matter.”). This Memorandum is supported by the Declaration of Zachary J. Pekelis and its Bill of Costs filed herewith.

DATED this 14th day of August, 2023.

PACIFICA LAW GROUP LLP

s/ Zachary J. Pekelis

Jessica A. Skelton, OSB #102714

Zachary J. Pekelis, *Pro Hac Vice*

Kai A. Smith, *Pro Hac Vice*

W. Scott Ferron, *Pro Hac Vice*

Attorneys for Intervenor-Defendant

Oregon Alliance for Gun Safety

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of August, 2023, I electronically filed the foregoing document with the Clerk of the United States District Court using the CM/ECF system which will send notification of such filing to all parties who are registered with the CM/ECF system.

DATED this 14th day of August, 2023.



Erica Knerr